

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

Case No. 5:22-cv-00423-M-KS

DERRICK ALLEN,

Plaintiff,

v.

AMAZON INC. and INVICTUS  
LOGISTICS LLC-DSP,

Defendants.

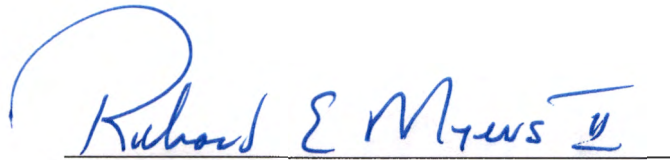
ORDER

This matter comes before the court on the Memorandum and Recommendation (“M&R”) of U.S. Magistrate Judge Kimberly A. Swank [DE 4]. Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), Magistrate Judge Swank entered an M&R recommending that Plaintiff’s application to proceed in forma pauperis be allowed and that Plaintiff’s complaint be dismissed in its entirety. To date, no objections have been filed.

A magistrate judge’s recommendation carries no presumptive weight. The court “may accept, reject, or modify, in whole or in part, the . . . recommendation[ ] . . . receive further evidence or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1); *accord Mathews v. Weber*, 423 U.S. 261, 271 (1976). The court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* § 636(b)(1). Absent a specific and timely objection, the court reviews only for “clear error” and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the M&R and the record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, Plaintiff's application to proceed in forma pauperis is ALLOWED. Plaintiff's complaint is DISMISSED. The Clerk of Court is directed to close this case.

SO ORDERED this 27<sup>th</sup> day of February, 2023.



RICHARD E. MYERS II  
CHIEF UNITED STATES DISTRICT JUDGE